

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

CHARLES H. SCHMIDT, JR.,  
*et al.*

Plaintiffs,

V.

CITY OF RICHMOND,  
*et al.*,

Defendants.

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Civil Action No. 3:22-cv-00404

### CONSENT MOTION FOR EXTENSION OF TIME

COMES NOW the defendant, Gerald M. Smith (“G.M. Smith” or “Defendant”), by counsel, pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, and respectfully request an extension of time until August 8, 2022 to file pleadings in response to the Complaint [ECF 1]. In support of their motion, the Defendant states the following:

1. Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure provides, “When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”
2. According to executed Proof of Service, the Defendant was served with process on or about June 3, 2022.
3. As such, the deadline for the Defendant to file pleadings in response to the Complaint is June 24, 2022.

4. Plaintiffs' six (6) count, three-hundred and eighty-five (385) paragraph Complaint (ECF 1) asserts causes of action against thirty (30) named police officers and fifty (50) John Doe defendant police officers.

5. Upon information and belief, in consideration of the breadth of the issues presented in the Complaint, each of the defendants who agreed to waive service of the Complaint were granted an extension of time to respond to the Complaint through August 8, 2022.

6. Given the breadth of the issues presented in the Complaint, on June 15, 2022, counsel for the Defendant contacted counsel for the Plaintiffs and requested an extension through August 6, 2022 (a Saturday).

7. By email dated June 16, 2022, Plaintiffs confirmed their consent to the extension of time sought in instant motion.

8. By email dated June 21, 2022, counsel for the parties confirmed that August 6, 2022 was a Saturday and that the correct date for the extension previously discussed was actually Monday, August 8, 2022.

9. In light of the foregoing, the Defendants respectfully submits there is good cause for extending the deadline for responsive pleadings to August 8, 2022.

10. Accordingly, the Court should grant an extension of time until August 8, 2022 for G.M. Smith to file pleadings in response to the Complaint.

11. A proposed Order is attached hereto as Exhibit A.

WHEREFORE the defendant, Gerald M. Smith, respectfully request that the Court grant an extension of time until August 8, 2022 to file pleadings in response to the Complaint and award any additional relief the Court deems just and appropriate.

GERALD M. SMITH

/s/ *Mark C. Nanavati*

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*Counsel for Gerald M. Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 21<sup>st</sup> day of June, 2022, a true and accurate copy of the foregoing *Consent Motion* was filed with the Clerk using the CM/ECF system, which will send a notification to all counsel of record.

/s/ *Mark C. Nanavati*

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